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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,377	02/18/2004	Michael Hogendijk	NEO-1CIP CON	3553

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EXAMINER

GILBERT, SAMUEL G

ART UNIT	PAPER NUMBER
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3735

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/782,377

Applicant(s)

HOGENDIJK ET AL.

Examiner

Samuel G. Gilbert

Art Unit

3735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/6/2006 12/6/2006
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- ☐ Notice of Informal Patent Application
- ☒ Other: examiner's amendment

DETAILED ACTION
EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claims 2-29 have been canceled, per the directions in the transmittal letter of 2/18/2004.

Information Disclosure Statement

The information disclosure statement filed 12/8/2004 has been considered.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Panescu et al. (US 5,848,969). Panescu et al. ('969) teach a method and an apparatus for facilitating visualization of a patient's prostate/bladder junction or other regions of the body, comprising a catheter having proximal and distal ends, a proximal deployment port at the proximal end, a first outlet port at the distal end, and a first lumen extending therebetween (see Figure 1 (12); column 4, lines 8-13 and 25-31); a plunger having proximal and distal ends, the distal end of the plunger configured to slidably pass through the proximal deployment port (see Figure 5B (25) and column 4, lines 43-47); and at least one deployable member coupled to the distal end of the plunger, wherein the deployable member is expandable from a delivery configuration adapted for transurethral insertion, to a deployed configuration adapted for engagement of a proximal portion of the patient's bladder (see Figure 1 (22), column 4, lines 8-13 and 34-47); wherein the deployable member comprises at least one wire loop [see Figure 5A (22)]; wherein the wire loop consists of a Nickel Titanium alloy (NITINOL), which is a shape memory material (see column 4, lines 54-58); wherein the deployable member comprises a petal shape or a plurality of petal-shaped members that at least partially overlap in the deployed configuration [see Figure 1 (22)]; wherein the elasticity of the deployable member enables the deployable member to conform to the proximal wall of the bladder (other regions of the body) without displacing the bladder wall (see column 4, lines 54-59 and 8-13); wherein the deployable member is concave with respect to the proximal wall of the bladder

Art Unit: 3735

(other regions of the body) in the deployed configuration (see Figure 21); the plunger comprises a handle affixed to the proximal end of the plunger (see Figure 5A (46) and column 6, lines 48-49).

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Beliveau et al (3,372,695).

Element -54- is a catheter, element -12- is a plunger and element -14- is a deployable member.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bozzo ('664); Moll et al. ('728); Devonec et al. ('417); Rhea, Jr. ('153); Tihon et al. ('994); Othel-Jacobsen et al. ('374); Burton et al. ('965); Dubrul et al. ('006); Kirkman ('263); Nissenkorn ('301) and Ortiz et al. ('496).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Gilbert whose telephone number is 571-272-4725. The examiner can normally be reached on Monday-Friday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor II can be reached on 571-272-4730. The

Art Unit: 3735

fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 866-217-9197.

A handwritten signature in black ink, appearing to read "Samuel G. Gilbert".

Samuel G. Gilbert
Primary Examiner
Art Unit 3735

March 19, 2003.